RESOLUTION NO. 97-222

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ESTABLISHING RULES OF PROTOCOL FOR THE CONDUCT OF COUNCIL MEETINGS.

WHEREAS, Section 504 of the Charter of the City of Fresno provides that the Council shall establish rules for the conduct of its proceedings;

WHEREAS, the Council has adopted an ordinance relating to Council meetings and rules of order;

WHEREAS, said ordinance is codified in Article 1 of Chapter 2 of the Fresno Municipal Code; and

WHEREAS, upon recommendation of the Council Rules Committee, the Council has reviewed, considered, and voted upon certain protocol rules to supplement those rules set forth in Article 1, Chapter 2 of the Fresno Municipal Code;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

Section 1. Purpose.

This resolution shall establish Rules of Protocol for the conduct of all meetings of the Council and is enacted pursuant to authority granted by Section 504 of the Charter of the City of Fresno. The purpose of the resolution is to supplement the procedures set forth in Article 1 of Chapter 2 of the Fresno Municipal Code and to establish procedures which will be convenient for the public and contribute to the orderly conduct

April 0/30/97 Ellicia

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of the City's business. The procedures are in addition to, and not in place of, applicable ordinances and statutes. In the event of conflict between any part of this resolution and applicable ordinances and statutes, the latter shall govern.

Section 2. Establishment of Rules of Protocol.

The Council hereby establishes the Rules of Protocol set forth in Attachment "A" as the Rules of Protocol for the City Council of the City of Fresno.

STATE OF CALIFORNIA) COUNTY OF FRESNO CITY OF FRESNO

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 30Th day of September , 1998. 1997.

AYES

Bredefeld, Briggs, Mathys, Perea, Steitz, Quintero

NOES

None .

ABSENT :

Ronquillo

ABSTAIN:

None

REBECCA E. KLISCH City Clerk

BY: Keleccal Klesch

APPROVED AS TO FORM CITY ATTORNEY'S OFFICE

[1033dfg.res1]09/18/97

Attachment "A"

RULES OF PROTOCOL

FOR THE CITY COUNCIL

OF THE

CITY OF FRESNO

September 23, 1997

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RULES OF PROTOCOL FOR THE CITY COUNCIL OF THE CITY OF FRESNO

The following rules of order and procedure shall govern the Council:

RULE NO. 1

MEETINGS

- a. The Council shall hold regular meetings and meet at least once a month in the Council Chamber at City Hall.
- b. Special meetings of the Council may be held at any time upon the call of the President of the Council or, in his/her absence or unwillingness to make such call, upon the call of a majority of the members of the Council. Notice of any such meeting shall be given in accordance with the Ralph M. Brown Act, Government Code Sections 55950 et seq., as amended.¹
- c. All meetings of Council shall be held in open session unless expressly authorized as closed sessions under the Ralph M. Brown Act, Government Code Sections 55950 et seq., as amended.²

RULE NO. 2

ADJOURNMENTS

a. Meetings may be adjourned at any time by majority vote, and unless otherwise specified in the motion, every adjournment shall be deemed to be to the next regular meeting of the Council.

¹ Fresno Municipal Code Section 2-102

² Fresno Municipal Code Section 2-108

QUORUM AND MAJORITY VOTE

a. A majority of the entire membership of the Council shall constitute a quorum. A vote of the majority of the quorum shall be sufficient to pass on each of the readings, to pass or adopt any motion, order or resolution, including a resolution initiating amendments or revisions to the Charter, other than an ordinance or a resolution required by the Charter or other applicable law to have a greater vote for adoption.

RULE NO. 4

OFFICERS AND THEIR DUTIES

- a. Each year on the first Tuesday, after the first Monday in January, the Council shall elect a President of the Council and Acting President. Members eligible for those two positions must have served on the Council at least one year.
- b. The officers of the Council shall consist of the President of the Council and the Acting President. Each shall be elected by a majority of the entire membership of the Council. Any vacancy shall be filled in like manner, unless otherwise provided by the Charter.

The President of the Council shall be the Presiding Officer of the Council. In the absence of the President of the Council, the Acting President shall preside over the Council. In the absence of the Acting President, the Clerk shall preside over the election of a temporary chair, who will preside until the return of one of the regular officers.

- c. It shall be the duty of the Presiding Officer:
 - 1. To open all meetings of the Council at the appointed hour by taking the chair and calling the Council to order.
 - 2. To call for the approval of the minutes.
 - To maintain order and proper decorum.
 - 4. To announce the business before the Council in the order prescribed by these rules.
 - 5. To receive and submit all matters properly brought before the Council, to call for votes upon the same, and to announce the results.
 - 6. To authenticate by signature all acts of the Council as may be required by law.
 - 7. To make known all Rules of Protocol when so requested, and to decide all questions of order, subject to an appeal of the Council.

- 8. Except as otherwise provided by these Rules, to preside at all closed sessions of the Council.
- 9. To perform such other duties as may be required by law or as may pertain to such office.
- d. It shall be the duty of the President of the Council:
 - 1. To sign all instruments requiring execution or agreement by the Council.
 - To serve as the chief spokesperson and representative for the Council for matters before the public, the State and Federal governments, and the City Administration.
 - 3. To develop an Annual Calendar of events to include, but not restricted to council meetings, recesses, special meetings, holidays, etc.
 - 4. To delegate by administrative directive any of the duties assigned to the President of the Council.
- e. It shall be the duty of the Acting President:
 - 1. To serve with the Council President as spokesperson and representative for the Council.
 - 2. To assist the Council President in anticipating issues and problems deserving or in need of special meetings.
- f. In the absence of the President of the Council, the Acting President shall exercise the duties and powers of the President of the Council.

CITY CLERK³

- a. The Clerk shall be appointed by and serve at the pleasure of the Council.
 - 1. The City Clerk shall have power and be required to:
 - (a) Be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose, and attend all meetings of the Council either in person or by deputy;

³ Fresno City Charter Section 802

- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;
- (c) Maintain separate files, with appropriate indexes thereto, of all contracts the execution of which was specifically authorized by Council action, and of all official bonds of the City;
- (d) Be the custodian of the Seal of the City;
- (e) Administer oaths or affirmations, take affidavits and depositions
 pertaining to the affairs and business of the City and certify copies of
 official records;
- (f) Be ex-officio Assessor, unless the Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the Council by ordinance provides otherwise.
- (g) Maintain in appropriate books and files such other records, documents, instruments, and papers as the Council shall provide by ordinance.
- b. Except as may be otherwise provided by ordinance or resolution of the Council the destruction or other disposition of City records, documents, instruments, books, and papers in the custody of the City Clerk shall be governed by the laws of the State regulating the destruction or disposition of the records of general law cities.

CITY ATTORNEY

- a. The City Attorney shall be appointed and serve at the pleasure of the Council.
 - 1. The City Attorney shall have power and may be required to:
 - (a) Represent and advise the Council and all City officers in all matters of law pertaining to their offices;

⁴ Fresno City Charter Section 803

- (b) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, including the prosecution of violations of this Charter and ordinances enacted by the Council, and represent and appear for any City Officer or employee, or former City Officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of his/her employment or by reason of his/her official capacity provided the interest of the City in such action or proceeding is not adversely affected;
- (c) Attend all regular meetings of the Council and give his/her advice or opinion in writing whenever requested to do so by the Council or by any of the boards or officers of the City;
- (d) Approve the form of all contracts made by and all bonds given to the City, endorsing his/her approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto;
- (f) Surrender to his/her successor all books, papers, files and documents pertaining to the City's affairs;
- (g) The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter to assist the City Attorney therein.

COUNCIL ADVISORY COMMITTEES

- a. Advisory committees may be created as needed with the concurrence of a majority of the Council.
- b. Advisory committees shall assist in the resolution or study of issues arising from specific areas of concern resulting from the main subject matter assigned it by the Council.
- c. All communications and advice from an advisory committee shall be made to the Council.
- d. Advisory committees shall serve until discharged by a majority of the Council.

VOTING

- a. Every vote taken by the Council shall be by open ballot.
- b. There shall be four methods of ascertaining the decision of the Council upon any matter:

First, by a call of the roll of the members and a record made by the Clerk of the vote of each member;

Second, by a voice vote;

Third, electronic vote; or

Fourth, by unanimous consent.

- c. Upon the request of any member of the Council on any motion, the Clerk shall call the roll. A member's silence shall be recorded as an affirmative vote.
- d. If a member does not vote in the affirmative or negative or does not respond in a manner permitted under this paragraph, the member shall be deemed to have voted in the affirmative.
- e. The Clerk shall record each vote and each abstention in the Minute Book and report to the Council of the President, who shall announce the result to the Council.
- f. Whenever the ayes and noes are called, a Councilmember shall not be permitted to explain a vote or an abstention without the unanimous consent of the Council. After the announcement of the result, a Councilmember shall not be permitted to vote or to change a vote or an abstention, except in the case of a motion to reconsider as set forth in Rule 13.

RULE NO. 9

DISCLOSURE OF INTEREST

a. As to conflict of interest issues, it is insufficient for a Councilmember who has a conflict to abstain from a vote. The Political Reform Act prohibits a Councilmember from participating or influencing the rest of the Council in any way. When a Councilmember does have a conflict of interest, he/she shall announce his/her conflict when the item comes up on the agenda and then he/she shall leave the dais until the item has been completed.

PETITIONS

- a. Any person may petition the Council. Petitions and other matters shall be in writing, signed by the petitioners or persons presenting them. All petitions shall be made part of the official records kept by the Clerk and referred to committee, as appropriate.
- b. No citizen shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council or any City advisory board, commission or committee. The public has the right at every regular meeting to provide oral testimony in conformance with the Ralph M. Brown Act and with Rule 25 on any matter within the Council's jurisdiction.

RULE NO. 11

MOTIONS

- a. No motion may be received and considered by the Council until the same has been seconded.
- b. Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read from the Clerk's desk if so desired by at least three members.
- c. After a motion is stated or read, it is deemed in the possession of, and shall be disposed of by vote of the Council. However, any motion may be withdrawn by the movant with consent of the corresponding second at any time before a decision or amendment.
- d. Whenever any question is under discussion, the motions relative thereto shall be:

First, to lay on the table;
Second, previous question;
Third, to limit or extend limits of debate;
Fourth, to postpone to a certain time;
Fifth, to commit (or refer);
Sixth, to amend;
Seventh, to postpone indefinitely;
Eighth, to close the file on subject matter.

Such motions shall have precedence in the order name.⁵ The first three motions shall be decided without debate.

- e. When a motion in one of the above-mentioned categories fails or is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are decided in the negative, the only remaining question shall be as to the passage or adoption of the bill, resolution, or other main question.
- f. A Councilmember may not speak longer than three minutes, nor such a member speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the Council, unless such speaker is the maker of the motion or sponsor of the matter pending, in which case such member may speak in reply, but not until every other Councilmember choosing to speak has spoken.

RULE NO. 12

MOTION TO ADJOURN

a. A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business. A motion to adjourn other than to adjourn generally may be debated, but no one shall speak more than once on such motion.

RULE NO. 13

RECONSIDERATION6

a. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council so long as the ability to make such motion meets the requirements of applicable laws.

⁵ Note: Order of precedence of motion pursuant to Robert's Rules of Order.

⁶ Fresno Municipal Code Section 2-110(e)

b. Notwithstanding this subsection, when the Mayor makes a written request for Council reconsideration in accordance with Article 3 of Chapter 2 of the Fresno Municipal Code and Charter Section 605(d), the Council shall reconsider this action without a motion to reconsider.

RULE NO. 14

ORDER AND DECORUM

- a. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.⁷
- b. When a Councilmember or other person properly before the Council wishes to speak, the speaker shall address the Presiding Officer, be recognized before proceeding, and shall confine remarks to the question under discussion.
- c. If a Councilmember or other person, in speaking or otherwise, transgresses these rules, the Presiding officer or any Councilmember may raise a question of order. The Presiding Officer shall then decide the question of order without debate, subject to an appeal to the Council. In addition, the presiding Officer may call for the sense of the Council on any question of order.
- d. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under the discussion within the ruling made on the question of order.
- e. No person, except city officials and their representatives, may be permitted beyond the podium in the Council Chamber without the express consent of the Council.8
- f. Any person who willfully engages in conduct which is designed to or is likely to provoke others to violent or riotous behavior, disturbs the peace of the meeting by loud and unreasonable noise, engages in other disruptive conduct which substantially interferes with the orderly conduct of business before Council, and who fails, upon request of the presiding officer to cease such activity, shall be forthwith barred from

⁷ Fresno Municipal Code Section 2-115(a)

⁸ Fresno Municipal Code Section 2-117

further attendance at such meeting unless permission to remain and/or address Council be granted by a majority vote of the council. A person violating this subsection shall be guilty of a misdemeanor.⁹

g. The Chief of Police, or such member or members of the Police Department as he/she may designate, shall be sergeant-at-arms of the Council meetings, and shall be in attendance when requested by the presiding officer. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, to place any person who engages in conduct in violation of Section f of this Rule, under arrest, and cause him/her to be prosecuted under the provisions of this Rule, the complaint to be signed by the presiding officer. 10

RULE NO. 15

ORDER OF BUSINESS

- a. The Fresno City Council meetings will begin at 9:00 a.m. on Tuesdays unless otherwise ordered by the Council President or a majority of the Council.
- b. The order of business will be as follows:

9:00 a.m. Roll Call

Invocation

Flag Salute

Awards, commendations, proclamations, and honorary resolutions.

(Council quorum not necessary.)

Approval of Minutes

Approval of Agenda

Adopt Uncontested Consent Calendar Items

Proceed with Timed Items and Order of Agenda.

10:30 a.m. Fifteen Minute Break

10:45 a.m. Continue With Order of Agenda

⁹ Fresno Municipal Code Section 2-115(b)

¹⁰ Fresno Municipal Code Section 2-116

12:00 p.m. Lunch Break. No new item will be introduced between noon and 2:00 p.m.

2:00 p.m. Contested Consent Items

Closed Session

Continue With Order of Agenda

3:30 p.m. Fifteen Minute Break

3:45 p.m. Continue with Order of Agenda

c. Consent calendar items will be enacted by one motion. There will be no separate discussion of such items unless requested by a Councilmember or member of the public. Items pulled for discussion will be considered at 2:00 p.m. as Contested Consent Items. A Councilmember may also pull a consent item simply to move an item or oppose an item without discussion. An item pulled to move or to oppose with no discussion may be voted upon during the Uncontested Consent Calendar section of the agenda.

RULE NO. 16

COUNCIL AGENDA

- a. All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the City Clerk prior to 5:00 p.m. of the third business day prior to the Council meeting at which they are to be submitted. 11 Each Councilmember shall place no more than three items on the Agenda. Workshops must be approved by a majority of the Council before they are placed on the Agenda.
- b. The City Clerk shall immediately arrange a list of such matters according to the order of business as determined by the Council, including but not limited to placing all final ordinances or bills for adoption under General Administration, and not under the Consent Agenda. The City Clerk shall furnish each member of the Council, the Mayor, the City Manager, the City Attorney, and department directors with a copy of the same prior to the Council meeting and as far in advance of the meeting time as time for preparation will permit.

¹¹ Fresno Municipal Code Section 2-103

- c. No item shall be placed on the Council's agenda except in accordance with the Ralph M. Brown Act, Government Code Sections 54950 et. seq., the Fresno Municipal Code, and this Rule.
- d. In accordance with statutory exceptions of the Ralph M. Brown Act,
 Government Code Section 54950 et. seq., as amended, the Council may discuss
 and consider an item not on the agenda. 12
- e. The Agenda shall be posted and prepared in accordance with the Ralph M. Brown Act, Government Code Sections 54950 et seq., as amended.¹³

PRIORITY OF BUSINESS

- a. The majority of the entire membership of the Council may, by motion, designate any matter to be a special order of business, which shall take precedence over all other business. A special order of business action is limited to matters properly noticed and placed on the agenda under the Ralph M. Brown Act, Government Code Sections 54950 et. seq.
- b. Except for the first meeting of a newly installed Council, the unfinished business in which the Council was engaged at the time of the last adjournment shall have preferences in the Order of the Day, and no business shall be received until such unfinished business is disposed of, unless by special leave of the Council.
- c. All questions relating to the priority of business to be acted upon by the Council shall be decided without debate.

RULE NO. 18

QUESTIONS OF ORDER

a. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. Such question shall be decided by the Presiding Officer, without debate, subject to an appeal to the Council.

¹² Fresno Municipal Code Section 2-103(a)

¹³ Fresno Municipal Code Section 2-103(b)

NEWS MEDIA

- a. Members of the news media covering the business of the Council may be assigned to selected areas by the Presiding Officer.
- b. Members of the news media shall be permitted to televise and sound-record the proceedings of the Council under such rules and conditions as the Presiding Officer may prescribe.
- c. Selected areas assigned to the members of the news media in the Council Chamber shall be exclusively for the use of the news media members. Unauthorized individuals shall not use or occupy said assigned areas.

RULE NO. 20

NEW RULES AND AMENDMENTS

a. A rule of the Council may be altered or rescinded and a new rule may be adopted by a resolution approved by an affirmative vote of a majority of the entire membership of the Council at an open meeting. Any amendments would have to be placed on the agenda before Council may take action to amend them.

RULE NO. 21

SUSPENSION OF THE RULES

a. Unless superseded or prohibited by state or city law, these Rules may be suspended by the affirmative vote of two-thirds of the entire membership of the Council. The suspension shall be in effect for the duration of one meeting only.

WHEN RULES ARE SILENT14

a. The proceedings of the Council shall be governed under the current edition of Robert's Rules of Order, Newly Revised. It is understood that Robert's Rules are procedural only and cannot violate mandatory charter, code, or statutory provisions which may govern a particular matter.

RULE NO. 23

RULES IN CONFLICT WITH CHARTER OR OTHER APPLICABLE LAWS

a. If any rule contained herein is in conflict with the provisions of the Charter of the City of Fresno, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein which can be given effect without the invalid rule, and to this end these rules are severable.

RULE NO. 24

APPEALS TO RULINGS OF THE CHAIR

a. A ruling of the Chair shall not be subject to debate. However, the ruling may be appealed by any two Councilmembers, one Councilmember making the appeal and another seconding it. The question is then taken from the Chair and vested in the Council for final decision by majority vote of the entire membership of the Council. A tie sustains the Chair.

RULE NO. 25

PRESENTATION OF ORAL TESTIMONY AT COUNCIL MEETING

- a. Pursuant to State law, any citizen may speak at any Council meeting, subject only to the following:
 - 1. Council meeting. Oral testimony by members of the public on items listed on a Council Agenda shall be limited to three minutes. By a vote of the majority of the members present, time for the public to speak may be extended.

¹⁴ Fresno Municipal Code Section 2-120

- b. Each person addressing the Council shall step up to the microphone, shall give his/her name and address Council in an audible tone of voice for the record.¹⁵
- c. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked a Councilmember except through the presiding officer. 16

RESTRICTIONS ON EMPLOYMENT OF RELATIVES17

a. The Council shall not appoint to a salaried position under the city government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such Council.

RULE NO. 27

CONSIDERATION OF MAYORAL APPOINTMENTS

a. Action by the Council on requests by the mayor for confirmation or approval of an appointee or nominee to a public office or position shall be taken by minute resolution confirming or not confirming the appointee or nominee.

[1030DFG.TY]

¹⁵ Fresno Municipal Code Section 2-113

¹⁶ Fresno Municipal Code Section 2-113

¹⁷ Fresno City Charter Section 807

Addition to council rules 7-28-98

RULE NO. 16

f. No councilmember shall place on the agenda more than one item each week as an honorary resolution, accommodation, or proclamation, unless signed by all seven councilmembers.

g. No councilmember may place an item on the council agenda as a timed item, without a majority vote to do so the previous week.

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AGENDA ITEM <u>5A</u>

COUNCIL MEETING <u>7/28/98</u>

NO MATERIAL RECEIVED

AT TIME OF PRINTING

Consider additions to Council Rules and Protocol - Councilmember Briggs

Action Taken:

Rule 16 (f) approved; Rule 16 (g) laid over to 8/18/98

Presented to city Council
Date 1725195

Disposition Fappicus Con local Presentation

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CROSS REFERENCE SHEET

	
NAME: Council (City) Rules and Protocol	DATE: <u>2/24/98</u>
SUBJECT: New rule	•
FILE: General Memos (Green Labels)	
REGARDING: AGENDA ITEM NO. 5B	
Consideration of protocol rule relating to timed items	- Councilmember Briggs
Action Taken: City Attorney to bring back new rul	le for consideration
SEE : GENERAL	MEMOS
NAME: Council (Citv) Agenda Items	
SUBJECT: SAME AS ABOVE	
FILE: General Memos (Green Labels)	-

HOW TO USE CROSS REFERENCE SHEET

FILE CROSS REFERENCE SHEET UNDER NAME OR SUBJECT AT TOP.

DESCRIBE PAPERS UNDER TITLE "REGARDING"

FILE PAPERS REFERRED TO UNDER NAME OR SUBJECT LISTED UNDER TITLE "SEE"